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Attorneys for Federal Defendants

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA –OAKLAND DIVISION

DIANE M. BERARDI-STOHNER,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

**Case No. 14-CV-01036-KAW**

**STIPULATION AND ~~PROPOSED~~  
ORDER CONTINUING DATE OF  
HEARING ON DEFENDANT'S MOTION  
TO DISMISS**

Date: July 3, 2014  
Time: 1:30 p.m.  
Courtroom: 4 – 3<sup>rd</sup> Floor

**Before the Honorable Kandis A. Westmore**

assigned  
**WHEREAS**, this matter was ~~referred~~ to Magistrate Judge Kandis A. Westmore on March 5,  
2014; and

1           **WHEREAS**, Defendant filed a Notice of Motion and Motion to Dismiss for Lack of Subject  
2 Matter Jurisdiction on April 22, 2014, setting the hearing on said motion for June 19, 2014; and

3           **WHEREAS**, on May 27, 2014, this Court continued the date of the hearing on Defendant's  
4 motion to July 3, 2014; and

5           **WHEREAS**, counsel for plaintiff is scheduled to complete jury service on July 3, 2014; and

6           **WHEREAS**, the parties have met and conferred and consulted the Court's calendar for the  
7 purpose of rescheduling the hearing on Defendant's motion for a time that is convenient to the Court  
8 and counsel;

9           **IT IS THEREFORE HEREBY AGREED AND STIPULATED,**

10           that the parties request that the Court continue the hearing on Defendant's motion from  
11 July 3, 2014, to August 7, 2014.

12  
13 Dated: **June 19, 2014**

**LAW OFFICES OF GILBERT Y. JAY**

14  
15 By: /s/

Nicholas K. Jay  
Attorneys for Plaintiff

16  
17 Dated: **June 19, 2014**

**MELINDA HAAG**  
**United States Attorney**

18  
19 By: /s/ Abraham A. Simmons

Abraham A. Simmons  
Attorneys for the Federal Defendant

20  
21 **~~PROPOSED~~ ORDER**

22  
23           The stipulation is approved. The hearing on Defendant's Motion to Dismiss, previously set  
24 for July 3, 2014, is continued to August 7, 2014, at 11:00 a.m., 1301 Clay Street, Oakland, CA  
25 94612. **IT IS SO ORDERED.**

26 Dated: June 23, 2014

27   
The Honorable Kandis Westmore  
United States Magistrate Judge  
28